

Appl. No. 09/980,227
Amdt. dated December 23, 2003
Reply to Office Action of October 6, 2003

REMARKS/ARGUMENTS

In the Office Action, the drawings were objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims, namely the drawing does not show the cross section symbolic of thermoplastic elastomer material as set forth in claims 32, 33, 47, 50 51, 57 and 60 as stated in the Office Action. The drawings were objected to under 37 CFR 1.83(a) because they fail to show the proper hatching of the cross section symbolic of thermoplastic elastomer material.

New sheets of drawings are enclosed herewith to show the correct representation for plastic material in the hatching of cross section views and to include the approved proposed drawing corrections filed on July 11, 2003.

Claims 32-46 and 50-56 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as stated in the Office Action.

Claims 32, 33, 50, 51 are indefinite because in the claims, the phrase "serving as" or "as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention as mentioned in the Office Action. Claims 32, 33, 50 and 51 are amended for clarity, thereby to overcome the ground of rejection.

Claims 32, 36, 37, 40 and 44 were rejected under 35 USC 103(a) as unpatentable over Sudo et al (5,845,797) in view of Thijs et al (5,163,919) on the grounds set forth in the Office Action.

Claims 32-40, 44, 45 and 50-56 were rejected under 35 USC 103(a) as unpatentable over Naritomi et al (6,607,685) in view of Thijs et al for the reasons stated in the Office Action.

Claims 32, 41, 46, 57-59 and 63 were rejected under 35 USC 103(a) as unpatentable over Matukura et al (4,441,621) in view of Sudo et al or Naritomi et al and further in view of Thijs on the grounds set forth in the Office Action.

Claims 32, 43, 47-49 and 60-62 were rejected under 35 USC 103(a) as unpatentable over Thibault et al (5,607,400) in view of

Deussen (4,134,511) and Thijs et al for the reasons stated in the Office Action.

The following argument is presented to overcome the foregoing rejections, and to show the presence of allowable subject matter in the claims.

With respect to claim 32, rejected because its subject matter is considered to be obvious over a combination of US-PS 5,845,797 (Sudo et al) and US-PS 5,163,919 (Thijs et al), it is urged that the combination of the teachings of this art does not suggest the claimed subject matter.

Whereas it is correct, that Sudo does refer to rubber parts mentioning also injection molding thereof (column 5, lines 52-58), it is also correct, that this reference does acknowledge that such parts made of rubber have to be vulcanized, see column 2, lines 4-9. Thijs does also mention rubber or "suitable elastomeric base materials", but is only referring to curing (vulcanizing) such part, see for example column 2, lines 20-25 of Thijs.

None of these two references does in fact mention a hot runner injection. Therefore, it is urged that the combination of these

references does not lead to subject matter of claim 32. This argument applies also to the other rejected claims.

In the conception of the present invention, it was at least not an obvious choice, to make the injection by hot runner injection, combined with the measure, that the hot runner injection point is formed as a smoothed surface mark. These features together bring for a first time an injection molding part acceptable as to pharmaceutical requirements having not only a material with a high filler component but also showing no problem as to residual parts at the injection point maybe going into the fluid and therewith into the human body.

Surprisingly, the thermoplastic elastomer with the high filler amount does not tend to make adhering parts when leaving the mold. Therefore, it allows for the use of the hot runner injection. Combined with the smoothed surface mark of the hot runner injection point, a very advantageous feature combination was found for pharmaceutical products as here concerned.


Accordingly, the foregoing argument is believed to have overcome the foregoing grounds of rejection, and to show allowable subject matter in the claims.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.


Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the accompanying Amendment Upon Final Rejection is being facsimile transmitted to the Patent Office on December 23, 2003.


Signed by Martin A. Farber

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-16-